IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

GLOCK, INC. Plaintiff, v. GLOBAL GUNS & HUNTING, INC. d/b/a OMB Guns, et al., Defendants.	:	CIVIL ACTION NO. 1:12-CV-136-AT

ORDER

A default judgment was entered in this case on August 18, 2016. The Court originally set aside September 12th and 13th to allow Glock to present its evidence to establish the alleged damages it suffered as a result of Defendants' misconduct. Defendant John Ralph subsequently wrote to the Court to indicate that he would contest Glock's evidence and to request a continuance of the damages hearing until he was released from prison in June of 2017.

Glock objected to any lengthy extension because it indicated that such delay would threaten Glock's ability to obtain relief against Defendant OMB, as

OMB was embroiled in receivership proceedings that were scheduled to conclude and result in a sale of all of OMB's assets by December 9, 2016.[1]

The Court allowed Glock to respond but indicated it was inclined to grant Ralph's request, and so continued the damages hearing for roughly one month. The Court still required the parties to appear (in Mr. Ralph's case, by videoconference) to discuss scheduling issues and Mr. Ralph's request for a significant continuance. The Parties appeared before the Court on September 12, 2016 to discuss how to best move this case forward.

During the September 12, 2016 hearing, the Court discussed Glock's position that it needed to obtain a judgment against Defendant OMB as soon as possible because OMB's assets were on the verge of being sold pursuant to a state court case in Kansas overseeing OMB's receivership. The Court took a brief recess to allow Glock's counsel to contact by phone a representative of the receivership (or some other individuals involved in the state court case), to determine the estimated financial worth of OMB relative to an existing secured claim of $6 million dollars and Plaintiff's unsecured claims. Glock's counsel then reported the information from its phone call back to the Court, which indicated that there was simply no practical path for Glock to recover anything from OMB in the state court case, because Glock's claim priority falls behind that of a secured creditor bank whose judgment is millions of dollars larger than the

[1] Glock later indicated that the sale was supposed to occur in November of 2016.

entirety of OMB's remaining assets. Given this fact, the Court saw no prejudice to Glock in continuing the hearing until after Mr. Ralph is released, to allow him to participate in a hearing without the impediments involved in a videoconference connection.[2] The Court **CONTINUES** the hearing on damages until August 8, 2017 at 10:30 am. The hearing is estimated to take two or three days. The Court also **EXTENDS** the administrative closure of this case.

The Court also discussed a number of other logistical issues with the Parties, and now memorializes its directions regarding these matters:

1. Glock is **DIRECTED** to promptly send to Mr. Ralph an exhibit list identifying the documents it already shipped to him that it intends to introduce at the hearing on damages. Glock is further **DIRECTED** to file this exhibit list on the docket, and to identify its proposed witnesses by filing a list of their names in a notice on the docket at the same time it serves Mr. Ralph with the exhibit list.

2. Mr. Ralph is **DIRECTED** to identify within 45 days of Glock's filing of the Exhibit List all the documents from among those recently provided to him by Glock and from his criminal matter that he intends to use at the hearing on damages. Mr. Ralph is **DIRECTED** to file this list on the docket and serve Glock with a copy. Mr. Ralph is also **DIRECTED** to identify any other documents he intends to introduce at the damages hearing by April 3, 2017. Mr. Ralph must

[2] The September 12, 2016 hearing itself suggested the awkwardness for the Court and all parties of proceeding with a two to three day videoconference hearing.

show exceptional cause to use any of these documents if they have not previously been produced, and may use them for rebuttal purposes only. Glock shall then identify any additional documents it intends to use to rebut Mr. Ralph's evidence by May 1, 2017. It must serve them on Mr. Ralph with an additional Exhibit List by such date. It too must demonstrate exceptional cause to use additional documents not already identified by it.

3. Mr. Ralph is **DIRECTED** to identify his list of witnesses within 60 days of Glock's filing of the Exhibit List by filing a notice with a list of his witnesses' names on the docket.

4. Glock is **DIRECTED** to submit a memorandum regarding its theory of damages, including the proper allocation of damages between the Defendants, and whether Defendants are entirely responsible for some of the categories of damages given that Glock executives allegedly participated in some of the misconduct. Such memorandum shall be filed on the docket and served on Mr. Ralph by no later than February 1, 2017. Mr. Ralph is **DIRECTED** to file and serve his response by April 3, 2017.

5. Ralph is **DIRECTED** to notify the Court and Glock if he retains counsel within 5 days of hiring such counsel.

6. Glock is **DIRECTED** to file on the docket a notice that informs the Court of any updates in the Kansas state court receivership matter that Glock contends are material and might impact this matter.

It is so **ORDERED** this 12th day of September, 2016.

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AMY TOTENBERG
UNITED STATES DISTRICT JUDGE